

STATE BUDGET AND CONTROL BOARD  
MEETING OF September 19, 2006

BLUE AGENDA  
ITEM NUMBER 10

---

AGENCY: Trident Technical College

---

SUBJECT: Request for Approval of the Trident Technical College Enterprise Campus Authority's (TTCECA) Procurement Policy

Trident Technical College requests that the Budget and Control Board grant approval of the Trident Technical College Enterprise Campus Authority's (TTCECA) Procurement Policy.

The College makes this request in accordance with Section 59-53-480(B) of the South Carolina Code of Laws, which exempts the Authority from the South Carolina Consolidated Procurement Code, provided the authority adopts a procurement policy requiring competitive solicitations. As a condition of adoption, the statute requires that the policy be filed with and approved by the State Budget and Control Board.

The Authority's Procurement Policy includes provision for audit and recertification as required by Section 59-53-480(B). A copy of the proposed procurement policy is attached as a part of this item.

---

BOARD ACTION REQUESTED:

As requested by Trident Technical College, approve the College's request for approval of the Trident Technical College Enterprise Campus Authority's (TTCECA) Procurement Policy.

---

ATTACHMENTS:

Thornley letter dated 9/6/06; Authority's Executive Summary; MMO Key Points; Proposed Trident Technical College Enterprise Campus Authority's (TTCECA) Procurement Policy [including Appendix A]; 2006 Act 368 (which includes Section 59-53-480)



TRIDENT TECHNICAL COLLEGE

Office of the President

Berkeley Campus | Main Campus | Palmer Campus

September 6, 2006

Mr. Frank Fusco  
Executive Director  
South Carolina Budget and Control Board  
P.O. Box 12444  
Columbia, SC 29211

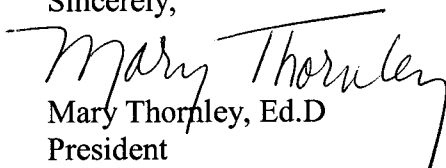
Dear Mr. Fusco:

Please accept this letter as our request to have the Trident Technical College Enterprise Campus Authority Alternate Procurement Policy and Procedures on the Sept. 19, 2006, Budget and Control Board Agenda for consideration and approval.

As you may recall, the General Assembly passed Act 368 of 2006 which established the TTC Enterprise Campus Authority for the "development of film industries and high-technology businesses and industries." The TTC Enterprise Campus Authority Board has approved Bylaws as well as this alternate Procurement Policy and Procedures. The next step in this economic development effort is the submission of this alternative Procurement Policy and Procedures to the Budget and Control Board for approval.

Thank you for your cooperation and consideration. We also want to thank your staff, particularly Keith McCook, Voight Shealy and Delbert Singleton for their guidance and assistance in this process. We look forward to seeing you on the 19<sup>th</sup>. Please feel free to contact me at 843-574-6241 or Kaye Koonce at 843-574-6240 if you have any questions or need further information.

Sincerely,

  
Mary Thornley, Ed.D  
President

# **TRIDENT TECHNICAL COLLEGE ENTERPRISE CAMPUS PROCUREMENT POLICY**

## **Executive Summary**

Prepared by TTCECA for the Budget and Control Board  
September 19, 2006

### **Overview**

In Act 368 of 2006, the General Assembly created the Trident Technical College Enterprise Campus Authority ("Authority"). The Authority's purpose is to enhance economic development related to the film industry as well as other high-technology industries. For example, the TTC ECA could provide the location for a private film production facility to be built on the Campus. The Authority will provide the management, development, and operation of the Enterprise Campus. The TTC Enterprise Campus will consist of 10-15 acres of the 40 undeveloped acres on Trident Technical College's Main Campus located on Rivers Avenue in North Charleston. The TTC Main Campus currently encompasses approximately 127 acres (including the undeveloped land).

Act 368 provides, in Section 59-53-480 (B), that the Authority is exempt from the South Carolina Consolidated Procurement Code, however, the Authority is required to adopt a procurement policy requiring competitive solicitations and the policy must include provisions for audit and certifications. The Authority's procurement policy must be filed with and approved by the State Budget and Control Board.

Working with the staff of the Materials Management Office, the Authority has prepared a procurement policy consistent with the requirements of Act 368. The TTC Authority's enabling legislation and Procurement Policy have been modeled after Act 200 of 2004, which established the Midlands Technical College Enterprise Campus Authority and the MTCECA Procurement Policy which has been approved by the Budget and Control Board. The starting point for these alternate procurement policies was the South Carolina Consolidated Procurement Code (State Procurement Code). Reference was also made to the procurement policy approved by the State Budget and Control Board for Clemson University. The TTCECA proposed procurement policy is very similar to the methodologies and procedures contained in the State Procurement Code.

### **Summary of Procurement Methods**

The Authority's proposed procurement policy retains the basic solicitation methods contained in the State Procurement Code competitive sealed bidding and competitive sealed proposals. Similar to the State Procurement Code, sole source procurements and emergency procurements may be made. The State Procurement Code's provisions relating to solicitation of construction and architectural services remain in place. The Policy and Procedures include the following source selection methods (procurement processes).

1. Competitive Sealed Bidding: Solicitations are advertised in *South Carolina Business Opportunities* (SCBO). Award is made to the lowest priced responsive and responsible bidder. Prequalification is allowed.
2. Competitive Sealed Proposals: Solicitations are advertised in *South Carolina Business Opportunities* (SCBO). Award is made to the best responsive and responsible offeror, taking into consideration price and non-price factors. Prequalification is allowed. Negotiation is allowed.
3. Sole Source: Award is made to one vendor without a competitive process when the required item is available from only one source. Written determination by the chief officer is required.
4. Emergency: Award is made to one vendor without a competitive process when emergency conditions exist. Written determination by the TTCECA agency head or designee is required.
5. Construction: Solicitations are advertised in *South Carolina Business Opportunities* (SCBO). Award is made using the process for either Competitive Sealed Bidding or Competitive Sealed Proposals. Additional requirements exist for construction procurements, including the listing by the bidders of those subcontractors that TTCECA asks to be listed.
6. Small Purchase Rules: Small purchase thresholds allow for minimal competition for contracts valued at \$100,000 or less. The primary differences between the Authority's proposed procurement policy and the State Procurement Code are in the areas of small purchases. The various limits for the small purchases have been raised, with the highest level raised to \$100,000.

The TTCECA competition thresholds compare to the Consolidated Procurement Code as follows:

<u>TTCECA Threshold</u>	<u>State Code (2006)</u>
Competition required \$5,000	\$2,500
Verbal quotes required \$5,000.01 - \$25,000	Deleted in 2006 amendments
Written quotes required \$25,000.01 - \$50,000	\$2500.01 - \$10,000
Advertisement/written quotes required \$50,000.01 - \$100,000	\$10,000.01-\$50,000
Sealed bidding required \$100,000	\$50,000.01

As proposed, the Authority will be able to proceed with procurements with minimal need to involve the central state procurement office.

Safeguards are included in the proposed procurement policy including an audit requirement and authority for the State Budget and Control Board to revoke part or all of the approved procurement policy if the Authority fails to adhere to the applicable requirements.

Bond and Security (Section 3030)

The requirements shall be left to the discretion of the TTCECA

Right to Protest (Section 4210)

A protest procedure has been included. Protests will be heard by TTCECA's chief procurement officer. His/her decisions may be appealed to the State Procurement Review Panel.

Some of the State code's other sections, primarily those establishing the State's procurement authority structure, were eliminated.

The TTCECA Procurement Policy is written on the assumption of the following "line of authority":

- TTCECA Agency Head
- Chief Officer (CO) or designee
- Designees as named by the TTCECA Agency Head
- Procurement Officer

Approval of the proposed procurement policy by the State Budget and Control Board will allow the Authority to proceed rapidly in the development of the Enterprise Campus.